

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

**UNIVERSITY OF TENNESSEE RESEARCH
FOUNDATION AND SAINT MATTHEW
RESEARCH, LLC,**

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 3:17-cv-00184-HSM-CCS

JURY TRIAL DEMANDED

**DEFENDANT MICROSOFT CORPORATION'S
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

Defendant Microsoft Corporation ("Microsoft") hereby moves the Court to dismiss Plaintiffs' Complaint (Dkt. 1) under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted. In support of this motion, Microsoft shows as follows:

Plaintiffs' Complaint should be dismissed under Rule 12(b)(6) because it fails to allege facts plausibly supporting Plaintiffs' allegations of patent infringement under the pleading standard recited in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009).

This Motion is supported by Microsoft's Brief in Support of Its Motion to Dismiss for Failure to State a Claim, filed herewith.

Therefore, for the reasons stated herein and in the Brief, Microsoft respectfully requests that the Court grant its Motion to Dismiss.

Dated: August 31, 2017

Respectfully Submitted,

/s/ Mark N. Reiter

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CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2017, a copy of the foregoing was filed electronically.
Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ Mark N. Reiter
Mark N. Reiter